

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator
L. Carol Edmonds, Deputy County Administrator

DATE: May 9, 2016

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711 (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Former Blacksburg High School Property

(1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. New River Community College

III. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. PRESENTATIONS, RECOGNITIONS AND AWARDS

A. Virginia Cooperative Extension

Michelle Dickerson, Montgomery County Extension Agent, will recognize Montgomery County Cooperative Extension Volunteers. Ms. Dickerson will also provide a brief update on Montgomery County Cooperative Extension services.

B. Montgomery County Planning Commission

Robert Miller, Chair of the Planning Commission, will present Montgomery County Planning Commission's Annual Report. See TAB A for a copy of the Annual Report.

VIII. PUBLIC HEARINGS

A. SUBJECT: BOARD OF SUPERVISORS

The Virginia Department of Transportation and the Board of Supervisors of Montgomery County, in accordance with Section 33.1-70.01 of the Code of Virginia, will conduct a joint public hearing on the Proposed Secondary Six-Year Road Improvement Plan for Fiscal Years 2016/2017 through 2021/22 in Montgomery County, and on the Secondary System Construction Budget for Fiscal Year 2016/17.

The following joint public hearing was advertised pursuant to law in the New River Valley Section of the Roanoke Times on 5/06/16, 5/07/16, and 5/08/16 and in the News Messenger on 05/04/16 and 05/07/16:

1. VDOT Secondary Six-Year Road Improvement Plan
Proposed Secondary Six-Year Road Improvement Plan for Fiscal Years 2016/2017 through 2021/22 in Montgomery County, and on the Secondary System Construction Budget for Fiscal Year 2016/17. See TAB B for a copy of the Proposed Secondary Six-Year Plan.

The following public hearing was advertised pursuant to law in the New River Valley Section of the Roanoke Times on 05/01/16 and 05/08/16:

2. Proposed Conveyance to Fiddler's Green Partners LLC – Former Blacksburg Middle School Property
Proposed conveyance to Fiddler's Green Partners, LLC, of Tax Map Parcel Number 25-A 94, the former Old Blacksburg Middle School property located on South Main Street in the Town of Blacksburg, Virginia, pursuant to the Real Estate and Option Agreement between the County of Montgomery and Fiddler's Green Partners, LLC dated April 18, 2016. See TAB C for a copy of the Real Estate and Option Agreement.

1. Action from Public Hearings

IX. PUBLIC ADDRESS

X. ADDENDUM

XI. CONSENT AGENDA

XII. INTO WORK SESSION

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Tax Exemption Request
 - Blacksburg High School Band Boosters
 - New Hope Residential Services
2. Safety improvements at the intersection of North Main Street and US 460 Bypass in the Town of Blacksburg

XIII. OUT OF WORK SESSION

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

1. Action from Work Session

XIV. OLD BUSINESS

A. SUBJECT: REAL ESTATE AND OPTION AGREEMENT WITH FIDDLER'S GREEN PARTNERS, LLC – FORMER BLACKSBURG MIDDLE SCHOOL PROPERTY

R-FY-16-

A RESOLUTION APPROVING THE REAL ESTATE PURCHASE AND OPTION AGREEMENT BY AND BETWEEN THE COUNTY OF MONTGOMERY AND FIDDLER'S GREEN PARTNERS, LLC FOR THE SALE OF THE BACK PORTION OF THE OLD BLACKSBURG MIDDLE SCHOOL PROPERTY ("OBMS") AND THE GRANTING OF AN OPTION TO PURCHASE THE FRONT PORTION OF THE OBMS PROPERTY

WHEREAS, The Board of Supervisors of the County of Montgomery, Virginia and Fiddler's Green Partners, LLC, are in agreement on the terms and conditions of the sale of the Old Blacksburg Middle School Property (OBMS) pursuant to a Real Estate and Option Agreement by and between the County of Montgomery and Fiddler's Green Partners, LLC, ("the Agreement"); and

WHEREAS, On April 25, 2016, the Board of Supervisors approved a Resolution expressing the Board's intent to approve the Agreement with Fiddler's Green Partners, LLC, and scheduled a public hearing on May 9, 2016, to hear citizen comments on the County's proposed conveyance; and

WHEREAS, The Board of Supervisors held a public hearing on May 9, 2016, on the County's intent to approve the Agreement with Fiddler's Green, LLC, and the Board desires to approve entering into the Agreement.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the Real Estate Purchase and Option Agreement between the County of Montgomery and Fiddler's Green Partners, LLC, dated April 18, 2016, for the sale by the County of the back portion of the OBMS property, Tax Map Parcel Number 25-A 94 and the granting of an Option to Purchase the front portion of the OBMS property; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby authorizes the Chair, Christopher A. Tuck, to execute the Real Estate Purchase and Option Agreement and the Deeds conveying the Property on behalf of the County of Montgomery, Virginia and execute any other documents required to close the conveyance of the front and back portions of OBMS.

ISSUE/PURPOSE: Enter into a Real Estate and Option Agreement with Fiddler's Green Partners, LLC.

JUSTIFICATION: The County desires to sell the old Blacksburg Middle School property. This resolution enters into an agreement for the sale by the County of the back portion of the OBMS property and the granting of an Option to Purchase the front portion of the OBMS.

B. SUBJECT: ACCEPT THE CONVEYANCE OF THE ASSOCIATED SCHOOL PROPERTY TO THE SHAWSVILLE MIDDLE SCHOOL

**R-FY-16-
RESOLUTION ACCEPTING THE CONVEYANCE
OF THE ASSOCIATED SCHOOL PROPERTY TO THE
SHAWSVILLE MIDDLE SCHOOL
DEEMED SURPLUS BY THE SCHOOL BOARD**

WHEREAS, The County School Board of Montgomery County (the “School Board”) adopted a Resolution on August 5, 2015, declaring the associated property to Shawsville Middle School consisting of the football stadium/press box, track, tennis court, concession stand, athletic storage, ticket booth, scoreboard, bleachers and lights (“the School Property”) surplus to its needs and authorized the conveyance of the School Property to the Board of Supervisors at no cost to the County; and

WHEREAS, The School Property consists of Tax Map Parcel 083(C2) 3 2; Tax Map Parcel 083 (C2) A 25A and Tax Map Parcel 083 (C2) A 25C, consisting of approximately 8.661 acres; and

WHEREAS, The Board of Supervisors desires to accept the conveyance of the School Property.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes Christopher A. Tuck, Chair, to accept from the School Board on behalf of the Board of Supervisors the conveyance of the School Property consisting of Tax Map Parcel 083(C2) 3 2; Tax Map Parcel 083 (C2) A 25A and Tax Map Parcel 083 (C2) A 25C, approximately 8.661 acres at no cost to County; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the Chair to execute the Deed accepting the School Property on behalf of the Board of Supervisors and to sign any and all other documents required to close on the School Property.

ISSUE/PURPOSE: Accept the conveyance of the associated school property to the Shawsville Middle School.

JUSTIFICATION: On August 5, 2014, the School Board deemed the associated property to the Shawsville Middle School surplus. This resolution accepts the conveyance of the property from the School Board. See TAB **F** for a copy of the School Board’s resolution and a copy of the property Plat.

**C. SUBJECT: FACILITY USE AGREEMENT WITH
MOUNTAIN VALLEY CHARITABLE
FOUNDATION FOR USE OF SHAWSVILLE
MIDDLE SCHOOL ATHLETIC COMPLEX
FACILITIES**

**R-FY-16-
RESOLUTION APPROVING FACILITY USE AGREEMENT
WITH MOUNTAIN VALLEY CHARITABLE FOUNDATION
FOR USE OF SHAWSVILLE MIDDLE SCHOOL
ATHLETIC COMPLEX FACILITIES**

WHEREAS, The County School Board declared the athletic facilities associated with the Shawsville Middle School consisting of the football stadium/press box, track, tennis court, concession stand, athletic storage, ticket both, scoreboard, bleachers, and lights (“former School Property”) surplus to its needs and is in the process of conveying the land to the County at no cost to the County; and

WHEREAS, The former School Property consists of 8.661 acres, Tax Map Parcel 083 (C2) 3 2; Tax Map Parcel 083 (C2) A 25A and Tax Map Parcel 083 (C2) A 25C; and

WHEREAS, The County owns Tax Map Parcel 083 (C2) A 26 consisting of 3.228 acres that currently has a baseball field on the property; and

WHEREAS, The former School Property consisting of Tax Map Parcel 083(C2) 3 2, Tax Map Parcel 083 (C2) A 25A and Tax Map Parcel 083(C2) A 25C along with Tax Map Parcel 083 (C2) A 26 are shown more particularly on the attached Plat entitled “Boundary Plat of Tax Map 083(C2)3 2 and Tax Maps 083(C2)A 25 A & 25C owned by Montgomery County School Board and Tax Maps 083(C2)A 26 owned by Montgomery County Board of Supervisors Located in Shawsville, Virginia” together the property shall be referred to as the “Shawsville Middle School Athletic Complex Facilities”; and

WHEREAS, The Mountain Valley Charitable Foundation desires to enter into an Agreement with the County in order to take over control of the use, scheduling and maintenance of Shawsville Middle School Athletic Complex Facilities for use by the Community; and

WHEREAS, The County desires to enter into an agreement with Mountain Valley Charitable Foundation granting the Foundation the right to use, control, improve and maintain the Shawsville Middle School Athletic Complex Facilities for use by the Community.

NOW THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby approves the attached Facility Use Agreement with Mountain Valley Charitable Foundation

granting the Foundation the right to use, control, improve and maintain the Shawsville Middle School Athletic Complex Facilities for use by the Community subject to the terms and conditions of the Facility Use Agreement.

BE IT FURTHER RESOLVED, By the Board of Supervisors that the Board hereby authorizes Christopher A. Tuck to execute the Facilities Use Agreement on behalf of the County of Montgomery, Virginia.

ISSUE/PURPOSE: Enter into a Facility Use Agreement with Mountain Valley Charitable Foundation.

JUSTIFICATION: Grant MVCF the right to use, control, improve and maintain the Shawsville Middle School Athletic Complex Facilities for use by the Community. See TAB G for a copy of the Agreement.

XV. NEW BUSINESS

A. SUBJECT: EXTEND VDOT REVENUE SHARING PROGRAMMATIC PROJECT ADMINISTRATION AGREEMENT

R-FY-16- APPROVE VDOT REVENUE SHARING PROGRAMMATIC PROJECT ADMINISTRATION AGREEMENT EXTENSION ADDENDUM

WHEREAS, Montgomery County entered into an Programmatic Project Administration Agreement with the Commonwealth of Virginia, Department of Transportation (VDOT) on July 30, 2013 in order to submit applications for Revenue Sharing and administer projects approved for Revenue Sharing funding; and

WHEREAS, Said agreement has an initial term of three fiscal years, and is set to expire on June 30, 2016; and

WHEREAS, Said agreement can be extended for one additional term of three fiscal years by executing an “Extension Addendum” as identified in Paragraph 1; and

WHEREAS, Montgomery County currently has multiple projects being locally administered based on the initial agreement and would like to continue utilizing the Revenue Sharing program.

WHEREAS, The Board of Supervisors desires to extend the Programmatic Project Administration Agreement with VDOT for an additional three fiscal years.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby approves the Addendum extending the County's Programmatic Project Administration Agreement with VDOT for an additional three fiscal years; and

BE IT FURTHER RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board hereby commits to fund its local share of preliminary engineering, right-of-way and construction (as applicable) of the project(s) under agreement with the Virginia Department of Transportation in accordance with the project financial document(s); and

BE IT FURTHER RESOLVED, By the Board of Supervisor that the Board hereby authorizes the County Administrator to execute all agreements and/or addendums for any approved projects with the Virginia Department of Transportation.

ISSUE/PURPOSE: Approve extending VDOT's Revenue Sharing Programmatic Project Administration Agreement for an additional three years.

JUSTIFICATION: In FY 2014 VDOT began using the state-wide Programmatic Project Administration Agreement (PPAA) for Revenue Sharing projects that were funded solely with revenue sharing funds. This agreement was valid for three fiscal years with an option to extend the agreement for an additional three fiscal years. This resolution approves extending the PPAA for an additional three fiscal years. The deadline to submit the PPAA is May 20, 2106. See TAB H for a copy of the PPAA Extension Addendum.

XVI. COUNTY ATTORNEY'S REPORT

XVII. COUNTY ADMINISTRATOR'S REPORT

XVIII. BOARD MEMBERS' REPORT

1. Supervisor Perkins
2. Supervisor Creed
3. Supervisor Biggs
4. Supervisor DeMotts
5. Supervisor Sheppard
6. Supervisor King
7. Supervisor Tuck

XIX. OTHER BUSINESS

XX. ADJOURNMENT

FUTURE MEETINGS

Adjourned Meeting
Monday, May 23, 2016
6:00 p.m. – Closed Meeting Items
7:15 Regular Agenda

Special Meeting
Monday, June 6, 2016
6:00 p.m.

Regular Meeting
Monday, June 13, 2016
6:00 p.m. – Closed Meeting Items
7:15 Regular Agenda

Adjourned Meeting
Monday, June 27, 2016
6:00 p.m. – Closed Meeting Items
7:15 Regular Agenda